

REMARKS

In the last Office Action¹, the Examiner rejected claims 1, 14, 27, 40-41, 43, 44-45, 47-49, and 51 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication Number 2003/0012129 to Lee et al. ("Lee"); and rejected claims 2-9, 12-13, 15-22, 25-26, 28-35, 38-39, 42, 46, and 50 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of U.S. Patent No. 7,000,121 B2 to Jarosz ("Jarosz").

By this amendment, Applicant amends claim 1, 5, 14, 18, 25, 27, and 31; and cancels claims 2-4, 6-9, 15-17, 19-22, 28-30, 32-35, 41-43, 45-47, and 49-51. Claims 1, 5, 12-14, 18, 25-27, 31, 38-40, 44, and 48 are currently pending, with claims 1, 14, and 27 being independent.

As a preliminary matter, Applicant thanks the Examiner for agreeing to the telephonic interview held on January 6, 2010. The substance of the telephone interview is incorporated into this Response. As discussed during the interview and further detailed below, Applicant believes that the claims, as amended, are in condition of allowance.

II. The Rejection of Claims 1, 14, 27, 40, 44 and 48 under 35 U.S.C. § 102(e) Based on Lee

The Examiner rejected claims 1, 14, 27, 40, 44, and 48 under 35 U.S.C. § 102(e) as being anticipated by Lee. Applicant respectfully traverses the Examiner's rejection because Lee fails to teach all the recited features of independent claims 1, 14, and 27, as amended.

Lee teaches a “failure protection between interconnected adjacent Resilient Packet Rings (RPRs) in a multiple RPR network.” Lee at Abstract. Specifically, Lee teaches that “[m]essages are rerouted through the protection path when a failure occurs on the regular path.” Id. However, Lee does not teach all of the specific features of independent claim 1.

Specifically, Lee fails to teach a combination including a first gateway and a second gateway, “wherein the first node of the first gateway and the fourth node of the second gateway are configured to send and receive data encrypted with a security protocol via a first tunnel, the security protocol comprising: encrypting the address of a first workstation among the first plurality of workstations and the address of a second workstation among the second plurality of workstations and securing the data so that only the address of the first gateway and the address of the second gateway is available to other users of the network; and wherein the third node of the first gateway and the second node of the second gateway are configured to send and receive data encrypted with the security protocol via a second tunnel,” as recited in claim 1. In fact, Lee does not teach encrypting data at all, let alone encrypting data using a security protocol as recited by claim 1. The Examiner recognized this deficiency. See Office Action at 5 (“Lee does not explicitly teach the method/system/a computer-readable storage device of further comprising configuring the first node and the fourth node to send and receive encrypted data between the first node and the fourth node.”).

Moreover, Lee fails to teach “configuring the first data to be transmitted between the third node of the first gateway and the second node of the second gateway via the

¹ The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in

second tunnel using the security protocol; detecting a failure of the third node of the first gateway; transmitting over the network an encrypted indication from the first node of the first gateway to the second node of the second gateway that the third node of the first gateway has failed; reconfiguring the first data to be transmitted over the network between the first node of the first gateway and the fourth node of the second gateway via the first tunnel using the security protocol after the encrypted indication has been received by the second node of the second gateway,” as recited in amended claim 1.

Unlike the recitation in amended claim 1, Lee merely teaches transmitting “keep-alive” messages between interconnection devices that connect two RPR networks. Lee does not teach transmission of any indications of node failure from any node in a first gateway to another node in a second gateway. Therefore, Lee cannot teach “transmitting over the network an encrypted indication from the first node of the first gateway to the second node of the second gateway that the third node of the first gateway has failed,” as recited by claim 1. Moreover, as discussed above, Lee does not teach encrypting data at all, and therefore does not teach transmitting an encrypted indication of such a node failure, as further required by amended claim 1.

Thus, for at least the reasons discussed above and during the January 6, 2010, interview, Lee fails to teach all features of independent claim 1, as amended. Because claim 1 is patentably distinguishable from Lee, Applicant requests withdrawal of the Examiner’s rejection of claim 1 and timely allowance of the claim. Further, because amended claims 14 and 27, although of different scope, recite similar features to claim 1, Applicant also requests withdrawal of the rejections of the claims 14 and 27 and timely allowance of the claims for the same reasons as discussed above for claim 1.

Moreover, because claims 40, 44, and 48 all directly depend on independent claims 1, 14, and 27, Applicant further requests withdrawal of the rejections and timely allowance of these claims for at least the same reasons as discussed above for claims, 1, 14, and 27, as well as because these dependent claims recite additional features not taught nor suggested by the cited references.

III. The Rejection of Claims 5, 12, 13, 18, 25, 26, 31, 38, and 39 under 35 U.S.C. § 103(a) Based on Lee and Jarosz

The Examiner rejected claims 5, 12, 13, 18, 25, 26, 31, 38, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Jarosz. Applicant respectfully traverses the § 103(a) rejection of these claims because, as discussed, Lee fails to teach all of the features of amended independent claims 1, 14, and 27, from which all of these claims depend. Jarosz fails to cure these deficiencies. Accordingly, a *prima facie* case of obviousness cannot be established. Therefore, applicant submits that claims 5, 12, 13, 18, 25, 26, 31, 38, and 39 are allowable at least because they depend, either directly or indirectly, on independent claims 1, 14, and 27, as well as by reason of reciting additional features not taught nor suggested by the cited references. Applicant thus requests withdrawal of the rejections of these claims for at least the same reasons as discussed for claims 1, 14, and 27.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 5, 12-14, 18, 25-27, 31, 38-40, 44, and 48 in condition for allowance. Applicant submits that the proposed amendments of claims , 5, 14, 18, 25, 27, and 31 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their

relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

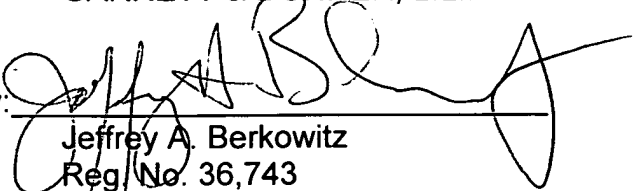
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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